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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KIM BLANDINO,

Plaintiff,

vs.

MICHAEL FEDERICO, ESQ.,

Defendant.

CASE NO. 2:21-CV-1262-JAD-EJY

**REPLY POINTS AND AUTHORITIES SUPPORTING
MOTION TO QUASH SERVICE OF PROCESS (ECF NO. 14)**

COMES NOW Defendant, MICHAEL FEDERICO, ESQ., by and through his counsel of record,
PETER M. ANGULO, ESQ., of the ANGULO LAW GROUP, and files this Reply Points and
Authorities Supporting the Motion to Quash Service of Process (ECF No. 14) as follows:

POINTS AND AUTHORITIES

While Plaintiff's Opposition makes an impassioned (and unsupported) plea for this Court to
believe Defendant is dishonest and dishonorable, his unfounded arguments miss the salient points of the
Motion itself. Although Plaintiff continually reminds this Court he is in proper person and should be
granted all the mercy available to this Court, his position is sans substance.

As an initial matter, it is readily conceded pro se filings are held to less stringent standards.
Erickson v. Pardus, 551 U.S. 89, 94 (2007). However, "pro se litigants in an ordinary civil case should
not be treated more favorably than parties with attorneys of record." Jacobsen v. Filler, 790 F.2d 1362,

1 1364 (9th Cir. 1986). “The fact that a defendant represents himself does not alter the judicial role nor
2 does it impose any new obligation on the trial judge.” U.S. ex rel. Smith v. Pavich, 568 F.2d 33, 40 (7th
3 Cir. 1978). Further, the special solicitude due a pro se litigant depends upon that particular party's
4 litigation experience, as “the degree of solicitude may be lessened where the particular pro se litigant is
5 experienced in litigation and familiar with the procedural setting presented.” Tracy v. Freshwater, 623
6 F.3d 90, 102 (2d Cir. 2010).

8 In this case, there is little question that Plaintiff is a career pro se litigant. This is, euphemistically
9 speaking, not his first rodeo. Additionally, he has been provided a very clear order from this Court
10 setting forth his obligations in effectively presenting a valid opposition to the pending motions. (ECF No.
11 17) Accordingly, he should be held to the same standards in reviewing his Opposition as if the filing had
12 been prepared by counsel.

14 At any rate, Plaintiff fails to provide this Court a single substantive argument in his Opposition.
15 The “Asseveration” he attaches at the end does not advance his case at all since it is not specific to any
16 issues raised in the Motion, but is a generic, rote recitation of statements (such as requiring this Court to
17 take judicial notice of biblical authority) without import to whether service was proper. In fact, it fails to
18 address a single alleged factual statement contained in the Opposition and, therefore, neither it nor the
19 unsubstantiated facts are worthy of being considered. See Soto v. Sweetman, 882 F.3d 865 (9th
20 Cir.2018); Umbriaco v. United States, 258 F.2d 625, 628 (9th Cir. 1958)(“Oral, unsworn statements
21 without further corroborating evidence have always been held insufficient.”).

23 Here, there is no question the papers were not delivered to Mr. Federico. The “notes” of the
24 process server (ECF No. 12) concede the papers were not handed to him. It is also clear from those
25 “notes” it was not said by the process server either that he had a summons for him or that it pertained to
26 this case. Rather, the process server simply noted he had “papers” and then dropped them on the floor
27 and claimed that service had been completed. Plaintiff cites no case that supports this action as
28

1 constituting proper service.

2 More importantly, it is uncontroverted this attempt at service occurred inside a federal courthouse
3 while Mr. Federico was there on another matter. Indeed, the process server concedes that is why he went
4 to the federal courthouse—because he knew of the pending settlement conference. This Court has been
5 provided clear authority such an act is deemed invalid. Again, Plaintiff fails to provide this Court a
6 single citation (or even a cogent argument) this is not the case or that Defendant's position in this regard
7 is sans merit. Under the guidance of LR 7-2(d), the failure to directly oppose this argument constitutes a
8 consent to granting the position. Accordingly, this Motion to Quash should be granted.
9

10 **CONCLUSION**

11 For the foregoing reasons, this Court should grant this Motion to Quash Service and require
12 Plaintiff to follow proper procedures in having this matter served.
13

14 RESPECTFULLY SUBMITTED this 20 day of June, 2022.

15 ANGULO LAW GROUP, LLC

16 By 

17 PETER M. ANGULO, ESQ.

18 5545 S. Mountain Vista Street, Suite F

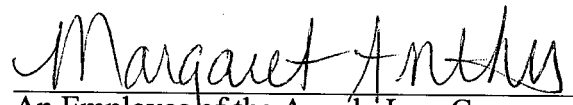
19 Las Vegas, Nevada 89120

20 Attorneys for Defendant
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of June, 2022, I served the above MOTION TO QUASH SERVICE OF PROCESS through the CM/ECF system of the United States District Court for the District of Nevada (or, if necessary, by U.S. Mail, first class, postage pre-paid), upon the following:

Kim Blandino, #363075
CCDC In Custody House Arrest Module
330 S. Casino Center Blvd.
Las Vegas, Nevada 89101
Plaintiff in Proper Person


An Employee of the Angulo Law Group